

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents, since the label statements "Net Contents 1 Fl. Gallon" and "Net Dr. Wt. 96 Ozs." were inaccurate.

DISPOSITION: 10-5-62. Default—ordered distributed to charitable institutions.

28766. Pickles. (F.D.C. No. 48499. S. Nos. 16-981/2 V.)

QUANTITY: 112 cases, each containing 12 12-oz. jars of sweet gherkins; and 334 cases, each containing 12 12-oz. jars of sweet gherkins, at Indianapolis, Ind.

SHIPPED: 10-19-62 and 11-9-62, from Celina, Ohio, by Stokely-Van Camp, Inc.

LABEL IN PART: (Jar) "Stokely's Finest Sweet Gerkins [or "Sweet Pickles"] * * * Dist. By Stokely-Van Camp, Inc., Indianapolis, Indiana."

LIBELED: 1-4-63, S. Dist. Ind.

CHARGE: 402(a)(3)—contained insects and insect fragments when shipped.

DISPOSITION: 2-28-63. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

28767. Canned tomatoes. (F.D.C. No. 48470. S. No. 47-141 V.)

QUANTITY: 180 cases, each containing 24 1-lb. cans, at Murphysboro, Ill.

SHIPPED: 9-3-62, from Campbellsburg, Ind., by Preston Rider Packing Co.

LABEL IN PART: (Can) "Rider's Best * * * Tomatoes Preston Rider Packing Co., Campbellsburg, Ind."

LIBELED: 11-29-62, E. Dist. Ill.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-2-63. Default—destruction.

28768. Canned tomatoes. (F.D.C. No. 48379. S. No. 18-670 V.)

QUANTITY: 150 cases, 24 1-lb. cans each, at Sayre, Okla.

SHIPPED: 9-19-62, from Pea Ridge, Ark., by Pea Ridge Canning Co.

LABEL IN PART: (Can) "Rogers Brand Hand Packed Tomatoes * * * Packed by Pea Ridge Canning Co. Division of Rogers Vinegar Co. Rogers, Arkansas."

LIBELED: 12-12-62, W. Dist. Okla.

CHARGE: 402(a)(3)—when shipped, contained *Drosophila* and scavenger fly eggs, and *Drosophila*, scavenger and housefly maggots; 402(a)(4)—prepared and packed under insanitary conditions; and 403(h)(1)—the quality of the article fell below the standard of quality for canned tomatoes since the article contained tomato peel in excess of one square inch per pound of canned tomatoes, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 1-9-63. Default—97 cases delivered to a Federal institution for use as animal feed.

28769. Canned tomatoes. (F.D.C. No. 48462. S. No. 24-794 V.)

QUANTITY: 155 cases, 24 1-lb. cans, at Youngstown, Ohio.

SHIPPED: 9-9-62, from Bethlehem, Md., by J. T. Harrison & Associates.

LABEL IN PART: (Can) "JD Garden Gem Tomatoes."

LIBELED: 12-11-62, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.
DISPOSITION: 1-10-63. Default—destruction.

28770. Canned tomatoes. (F.D.C. No. 48368. S. No. 6-705 V.)

QUANTITY: 79 cases, each containing 24 1-lb. 12-oz. cans, at Haverhill, Mass.

SHIPPED: 9-18-62, from Trappe, Md., by Harrison & Associates.

LABEL IN PART: (Can) "JD Garden Gem Tomatoes * * * Distributed By J. T. Harrison & Associates Easton, Maryland."

LIBELED: 11-16-62, Dist. Mass.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 1-14-63. Default—destruction.

28771. Canned tomatoes. (F.D.C. No. 48459. S. No. 47-142 V.)

QUANTITY: 151 cases, 24 1-lb. cans each, at Cape Girardeau, Mo.

SHIPPED: 9-3-62, from Campbellsburg, Ind., by Preston Rider Packing Co.

LABEL IN PART: (Can) "Riders Best * * * Tomatoes Preston Rider Packing Co."

LIBELED: 11-26-62, E. Dist. Mo.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 1-23-63. Default—destruction.

28772. Canned tomatoes. (F.D.C. No. 48408. S. Nos. 29-940 V, 55-902 V.)

QUANTITY: 1,650 cases, 24 1-lb. cans each, at Kansas City, Kans.

SHIPPED: Between 8-21-62 and 10-11-62, from Point Lookout, Mo., by School of the Ozarks.

LABEL IN PART: (Can) "The School of the Ozarks Tomatoes Packed by The School of the Ozarks Point Lookout Missouri."

LIBELED: 12-17-62, Dist. Kans.

CHARGE: 402(a)(3)—while held for sale, contained a decomposed substance; and 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned tomatoes, since the strength and redness of color of the tomatoes in the container was less than that prescribed for standard quality tomatoes, and the label failed to bear a statement that the article fell below such standard.

DISPOSITION: 3-21-63. Default—destruction.

28773. Tomato catsup. (F.D.C. No. 48496. S. No. 17-527 V.)

QUANTITY: 119 cases, each containing 24 14-oz. btl., at Woodlawn, Ohio.

SHIPPED: 10-24-62 and 10-30-62, from Sunman, Ind., by Naas Foods, Inc.

LABEL IN PART: (Btl.) "Kroger Tomato Catsup * * * Distributed by The Kroger Co. Cincinnati 1, O."

LIBELED: 1-7-63, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 2-25-63. Default—one case released to the Food and Drug Administration, the remainder destroyed.